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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/508,942	10/01/2004	Mi-Sun Sung	MUHAN1.001APC	7555
20995 7590 10/14/2010 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614				
EXAMINER ZIEGLE, STEPHANIE M				
ART UNIT		PAPER NUMBER		
3684				
NOTIFICATION DATE		DELIVERY MODE		
10/14/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/508,942

Applicant(s)

SUNG, MI-SUN

Examiner

STEPHANIE ZIEGLE

Art Unit

3684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2010.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18, 20-31, 41 and 42 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 18, 20-31, 41 and 42 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 25 February 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Status of Claims

1. This action is in reply to the supplemental amendment filed on 02 August 2010.
2. Claims 18, 20, 25, and 41 have been amended.
3. Claims 1-17, 19, and 32-40 have been canceled.
4. Claims 18, 20-31, and 41-42 are currently pending and have been examined.
5. This action is made FINAL.

Response to Arguments

6. Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.
7. The applicant has not attempted to traversal of Examiner's Official Notice regarding claim 28 as per MPEP §2144.03(C). Due to the fact that the applicant has not attempted to traversal of Examiner's Official Notice regarding claim 28, the statements of official notice are now taken as admitted prior art.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the

art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:
1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
10. Claims 18, 20-24, 26-27, and 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al (US 6,330,544), hereinafter Walker in view of Loeb et al (US 6,006,205), hereinafter Loeb, in view of Van Dusen (US 6,175,823) in further view of Barbara et al (US 2002/0016769), hereinafter Barbara in view of Xu (US 2003/0195840).

Claim 18:

Walker, as shown, discloses the following limitations:

- o *subsequent to approving the plurality of transactions, computing, a total charge amount to be charged to an owner of the credit card account for the plurality of transactions, wherein the total charge amount is computed as smaller than the total transaction amount by applying at least some of the gift certificate use limit.* [See at least column 9 lines 23-40]
- o *wherein the at least one credit card is associated with the credit card account and is usable in transactions with a plurality of honoring merchants that are to honor the at least one credit card* [See at least columns 1-2]

- o *wherein the gift certificate has a monetary value* [See at least column 9 lines 23-40]

Walker does not disclose the following limitation. Loeb, however, does disclose:

- o *receiving a plurality of requests for approving a plurality of transactions with a subset of the plurality of honoring merchants using at least one credit card* [See at least Figure 9 item number 930 and related text]
- o *approving each of the plurality of transactions*[See at least Figure 9 item number 930 and related text]
- o *the plurality of transactions totaling a total transaction amount;* [See at least Figure 9 item number 930 and related text]
- o *Having a credit limit* [See at least column 3 lines 25-37]

It would have been obvious to one skilled in the art at the time of the invention to combine the gift certificate of Walker with the transaction of Loeb because it quickly and easily enables a customer to utilize a gift received to purchases goods and services. The combination of Walker and Loeb does not disclose the following. Van Dusen, however, does disclose:

- o *receiving, by a computer system of the financial institution, a request for registering approval a gift certificate in a pre-existing credit card account* [See at least the abstract and Figures 2-3 and related text]

It would have been obvious to one skilled in the art at the time of the invention to combine the gift certificate and transaction system of Walker and Loeb with the registering step of Van Dusen because it easily, quickly, and conveniently allows a user to redeem and use or retain the value of the gift without the risk of loss. The combination of Walker, Loeb, and Van Dusen, does not disclose the following limitations. Barbara, however does disclose the following:

- o *subsequent to receiving the request, establishing by the computer system, a gift certificate use limit in an amount of the monetary value within the credit card account;*[See at least paragraph 0057]

- o *that the gift certificate is registered within a pre-existing credit card account*.[See at least paragraph 0057]

It would have been obvious to one skilled in the art at the time of the invention to combine the gift certificate and transaction systems of Walker, Loeb, and Van Dusen with the pre-existing credit card account because it allows an individual to have quick and easy access to the gift without having the need to carry anything extra. Barbara also discloses approving transactions based on the gift amount and the credit limit in paragraph 0057. The combination of Walker, Loeb, Van Dusen, and Barbara does not disclose the following limitation. Xu, however, does disclose the following:

- o *based on a sum of the credit limit and the gift certificate use limit rather than solely based on the credit limit*[See at least paragraph 0026]

It would have been obvious to one skilled in the art at the time of the invention to combine the gift certificate, transaction, the gift certificate, and preexisting account of Walker, Loeb, Van Dusen and Barbara with the exceeding the credit limit of Xu because it enables the customer to purchase their good or service in view of the temporarily increased limit, taking into account the increase due to the gift, rather than just the previously set credit limit.

Claim 20:

The combination of Walker, Loeb, Van Dusen, Barbara, and Xu, as shown in the rejection above, discloses all of the limitations of claim 18. Walker also discloses the following:

- o *computing the monetary value is used up first.* [See at least column 9 lines 23-40]

Claim 21:

The combination of Walker, Loeb, Van Dusen, Barbara, and Xu, as shown in the rejection above, discloses all of the limitations of claim 18. Walker also discloses the following:

- o *the total charge amount for the plurality of transactions is the total transaction amount less the monetary value in case the total transaction amount is greater than the monetary value.* [See at least column 9 lines 23-40]

The combination of Walker, Loeb, Van Dusen, Barbara, and Xu, as shown in the rejection above, discloses all of the limitations of claim 21. Walker also discloses the following:

- o *subsequent to computing, resetting the gift certificate use limit to zero.* [See at least column 5 line 20 and column 9 lines 23-40 and column 17 lines 32-34]

Claim 23:

The combination of Walker, Loeb, Van Dusen, Barbara, and Xu, as shown in the rejection above, discloses all of the limitations of claim 18. Walker also discloses the following:

- o *the total charge amount for the plurality of transactions is zero in case the total transaction amount is smaller than the monetary value.* [See at least column 9 lines 23-40]

Claim 24:

The combination of Walker, Loeb, Van Dusen, Barbara, and Xu, as shown in the rejection above, discloses all of the limitations of claim 23. Walker also discloses the following:

- o *subsequent to computing, updating the gift certificate use limit to a residual amount that is the monetary value less the total transaction amount.* [See at least column 5 line 20]

Claim 26:

The combination of Walker, Loeb, Van Dusen, Barbara, and Xu, as shown in the rejection above, discloses all of the limitations of claim 18. Loeb also discloses the following:

- o *generating a credit card account statement, which charges to the owner the total charge amount for the plurality of transactions and informs the owner that the total charge amount is smaller than the total transaction amount with use of the monetary value from the gift certificate.* [See at least column 8 lines 11-23]

It would have been obvious to one skilled in the art at the time of the invention to combine the gift certificate, transaction, and sub-account of Walker, Loeb, and Macklin with the account statement of Loeb because it easily enables the customer to visualize the charges made to an account at the close of the transaction period as well as it enables the customer to quickly make a payment to their account.

Claim 27:

The combination of Walker, Loeb, Van Dusen, and Barbara, as shown in the rejection above, discloses all of the limitations of claim 18. Loeb also discloses the following:

- o *wherein the credit card account has a predetermined credit limit,* [See at least Figure 4 item number 440 and related text]
- o *while the total transaction amount is equal to or smaller than the sum of the predetermined credit limit and the monetary value.* [See at least column 8 lines 11-23]

Xu also discloses:

- o *wherein approving the plurality of transactions results in that the total transaction amount exceeds the predetermined credit limit* [See at least paragraph 0026]

It would have been obvious to one skilled in the art at the time of the invention to combine the gift certificate, transaction, the gift certificate, and preexisting account of Walker, Loeb, Van Dusen and Barbara with the exceeding the credit limit of Xu because it enables the customer

to purchase their good or service in view of the temporarily increased limit, taking into account the increase due to the gift, rather than just the previously set credit limit.

Claim 30:

The combination of Walker, Loeb, Van Dusen, Barbara, and Xu, as shown in the rejection above, discloses all of the limitations of claim 18. Walker also discloses the following:

- o *wherein the request comprises information identifying the gift certificate, wherein the method further comprises verifying that the gift certificate is valid.* [See at least column 5 lines 9-38]

Claim 31:

The combination of Walker, Loeb, Van Dusen, Barbara, and Xu, and Barbara, as shown in the rejection above, discloses all of the limitations of claim 30. Walker also discloses the following:

- o *verifying comprises communicating with a gift certificate database outside the financial institute.* [See at least Figure 2 item number 216 and column 17 lines 32-34]

11. Claims 25 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker in view of Loeb in view of Van Dusen in view of Barbara in view of Xu and in further view of The Sal Anthony Website Policy on Gift Certificates, hereinafter Sal.

Claim 25:

The combination of Walker, Loeb, Van Dusen, Barbara, and Xu,, as shown in the rejection above, discloses all of the limitations of claim 18. Loeb also discloses the following:

- o *Receiving by the computer system a request for funding of the residual amount* [See at least Column 2 line 18]

It would have been obvious to one skilled in the art at the time of the invention to combine the gift certificate, transaction, the gift certificate, and preexisting account of Walker, Loeb, Van Dusen and Barbara with the request for a refund of Loeb because it easily and conveniently enables the customer to utilize the remainder portion of the gift certificate no matter how much is left. The combination of Walker, Loeb, Van Dusen, and Barbara, does not disclose the following. Sal, however, does disclose:

- o *funding the residual amount to the owner.* [See at least Sal Anthony's Policy on Gift Certificates]

It would have been obvious to one skilled in the art at the time of the invention to combine the gift certificate, transaction, the gift certificate, and preexisting account of Walker, Loeb, Van Dusen and Barbara with the refund of Sal because it easily and conveniently enables the customer to utilize the remainder portion of the gift certificate no matter how much is left.

Claim 41:

The combination of Walker, Loeb, Van Dusen, Barbara, and Xu., as shown in the rejection above, discloses all of the limitations of claim 18. Loeb also discloses the following:

- o *upon request from an owner of the bank account.* [See at least Column 2 line 18]

It would have been obvious to one skilled in the art at the time of the invention to combine the gift certificate, transaction, the gift certificate, and preexisting account of Walker, Loeb, Van Dusen and Barbara with the request for a refund of Loeb because it easily and conveniently enables the customer to utilize the remainder portion of the gift certificate no matter how much is left. The combination of Walker, Loeb, Van Dusen, and Barbara does not disclose the following. Sal, however, does disclose:

- o *subsequent to using at least part of the gift certificate use limit, funding a residual amount of the gift certificate use limit* [See at least Sal Anthony's Policy on Gift Certificates].

It would have been obvious to one skilled in the art at the time of the invention to combine the gift certificate, transaction, the gift certificate, and preexisting account of Walker, Loeb, Van Dusen and Barbara with the refund of Sal because it easily and conveniently enables the customer to utilize the remainder portion of the gift certificate no matter how much is left.

12. Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Walker in view of Loeb in view of Van Dusen in view of Barbara in view of Xu in view of Blinn et al (US 7,155,411), hereinafter Blinn.

Claim 42:

The combination of Walker, Loeb, Van Dusen, Barbara, and Xu, as shown in the rejection above, discloses all of the limitations of claim 18. The combination of Walker, Loeb, Van Dusen, Barbara, and Xu, does not disclose the following. Blinn, however, does disclose the following:

- o *the computed total charge amount is the total transaction amount less the at least some of the gift certificate use limit. [See at least Figures 8-9 and related text]*

It would have been obvious to one skilled in the art at the time of the invention to combine the gift certificate, transaction, the gift certificate and preexisting account of Walker, Loeb, Van Dusen and Barbara with the charge amount of Blinn because it easily and quickly allows a customer to utilize multiple payment methods to make a purchase.

13. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Walker in view of Loeb in view of Van Dusen in view of Barbara in view of Xu in further view of Molano et al (US 6,032,135), hereinafter Molano.

Claim 29:

The combination of Walker, Loeb, Van Dusen, Barbara, and Xu, as shown in the rejection above, discloses all of the limitations of claim 18. The combination of Walker, Loeb, Van

Dusen, Barbara, and Xu does not disclose the following limitation. Molano, however, does disclose the following limitation:

- *sending, to a point of the first transaction, information indicating that the first amount is covered by the gift certificate use limit so as to include the information on a first receipt of the first transaction. [See at least Figures 16-17 and related text]*

It would have been obvious to one skilled in the art at the time of the invention to combine the gift certificate, transaction, the gift certificate, and preexisting account of Walker, Loeb, Van Dusen and Barbara with the notification of the updated balance of Molano because it makes it simple and easy for a recipient to know when a gift has been made to them and to be fully aware of their new balance.

14. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Walker in view of Loeb in view of Van Dusen in view of Barbara in view of Xu and in further view of Official Notice (now admitted prior art).

Claim 28:

The combination of Walker, Loeb, Van Dusen, Barbara and Xu as shown in the rejection above, discloses all of the limitations of claim 18. The combination of Walker, Loeb, Van Dusen, Barbara and Xu does not disclose the following limitation.

- *wherein the predetermined credit limit is equal to or higher than zero.*

However, the Examiner takes **Official Notice (now admitted prior art)** that it is old and well known in the credit arts for the credit limit to be a positive value (above zero). . It would have been obvious to one skilled in the art at the time of the invention to combine the gift certificate, transaction, the gift certificate, and preexisting account of Walker, Loeb, Van Dusen and Barbara, and Xu with having a positive credit limit because it keeps the credit providers in business and does not provide the customer with free money.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- o Karas et al – US 7,130,817: Electronic Gift Linking
 - o Karas et al – US 2002/0138363: Electronic Gift Greeting
 - o Fleischl et al – US 6,038,552: Combined Credit and Debit Card Transactions

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **Stephanie M. Ziegler** whose telephone number is **571.272.4417**. The Examiner can normally be reached on Monday-Friday, 6:30am-3:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **KAMBIZ ABDI** can be reached at **571.272.6702**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> <<http://pair-direct.uspto.gov>>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

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/Stephanie Ziegler/ Examiner, Art Unit 3684
05 October 2010

/Nga B. Nguyen/
Primary Examiner, Art Unit 3684